

Committee Room,
Austin, Texas, Feb. 2, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 47 carefully examined and compared and find the same correctly enrolled, and have this day at 10:45 o'clock a. m. presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 2, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 49 carefully examined and compared and find the same correctly enrolled, and have this day at 10:45 o'clock a. m. presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 2, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 50 carefully examined and compared and find the same correctly enrolled, and have this day at 10:45 o'clock a. m. presented same to the Governor for her approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 2, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 107 carefully examined and compared and find the same correctly enrolled, and have this day at 10:45 o'clock a. m. presented same to the Governor for her approval.

FLOYD, Chairman.

SEVENTEENTH DAY.

Senate Chamber,
Austin, Texas.

Tuesday, February 3, 1925.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names

Hailey.	Bledsoe.
Berkaley.	Bowers.

Davis.	Price.
Fairchild.	Real.
Floyd.	Reid.
Hardin of Erath.	Russek.
Hardin of Kaufman	Smith.
Holbrook.	Strong.
Lewis.	Stuart.
Miller.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Murphy.	Witt.
Parnell.	Wood.
Parr.	Woodward.
Pollard.	

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

See appendix for committee reports.

Bills and Resolutions.

By Senator Wood:

S. B. No. 216, A bill to be entitled "An Act to amend Chapter 28, Special Laws of the Thirty-second Legislature, Regular Session, being entitled 'An Act creating the Oak Alla Independent School District in Burnet County, Texas; defining its metes and bounds; providing for a board of trustees therefor; vesting it with the rights and duties of districts incorporated for school purposes only under the General Laws, and declaring an emergency,' by amending Section 4 of the said Act so that the same shall hereafter read as herein set out, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Fairchild:

S. B. No. 217, A bill to be entitled "An Act to establish reciprocity between insurance companies organized under the laws of the State of Texas, and those of other states and foreign countries, imposing on such foreign insurance companies and their agents such requirements, conditions, and the payments of such sums of money, whether as taxes, license, fees, fines, penalties, or deposits of securities, as may be required by the home state of such foreign insurance company or companies of companies organized in this State or the agents thereof, in excess of those composed by this State, and empowering the Commissioner of Insurance to refuse or cancel permits of foreign insurance companies where permits of Texas companies would be refused or cancelled in such foreign state or territory, and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Russek:

S. B. No. 218, A bill to be entitled "An Act to repeal Chapter 50 of the Local and Special Laws of the Regular Session of the Thirty-eighth Legislature, which said Act become effective the 4th day of April, 1923, and which said Act created a special road system for Fayette County, Texas, and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

By Senator Woodward, by request:

S. B. No. 219, A bill to be entitled "An Act enlarging and re-establishing the limits and defining the territory embraced within the Theny Independent School District in Comanche County, Texas, divesting control of the free schools in said district from the existing district and investing the same in the district herein created, etc."

Read first time and referred to Committee on Educational Affairs.

By Senator Davis:

S. B. No. 220, A bill to be entitled "An Act to prevent the stealing and disposal of motor vehicles; to provide certificate of title to owners of motor cars; to provide water-proof container and carrier for said certificate of title; repealing all laws in conflict herewith; providing penalties for the violation of the provisions of this Act, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Wirtz et al:

S. B. No. 221, A bill to be entitled "An Act providing that no life insurance company shall be required to invest, or keep invested, in Texas securities, any part of the aggregate amount of the legal reserve required by the laws of the State of its domicile to be maintained on account of its policies of insurance in force, written upon the lives of citizens of this State, and which reserve is denominated as its Texas reserve; and that the having made, or making of any such investment shall not be a condition of its receiving a certificate of authority to transact the business of life insurance in this State and of transacting such business thereunder, and that nothing in this Act, or in any existing law, shall be construed to preclude the issuance of a certificate of authority to any life insurance company to transact the

business of life insurance in the State of Texas because of failure to comply with the laws of this State relating to occupation taxes or to required investments; nor shall this Act be construed to remit, or preclude the collection of any taxes heretofore and now due the State of Texas, from any life insurance company; and providing that any cause of action or actions which the State of Texas now has, or may have, against any life insurance company for taxes due the State, under any of the laws of this State, is expressly reserved to the State, together with all remedies to enforce the collection of the same; providing that any such taxes when paid shall be for the use and benefit of the public schools of this State, and the same is hereby appropriated for that purpose; one-fourth thereof to the available school fund, one-fourth to be equally divided among the University of Texas and its branches, one-fourth to be equally divided among the A. & M. College, College of Industrial Arts and Texas Technological College, and one-fourth to be equally divided among the State teachers' colleges; providing further that no penalties, which may now have accrued for the violation of any of the provisions of Chapter 3 of Title 71 of the Completed Texas Statutes of 1920, shall be enforced or collected, and providing that if any part of this Act shall be adjudged invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remaining portions of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Moore of Cooke:

S. B. No. 222, A bill to be entitled "An Act to prevent unnecessary noises in the operation of motor vehicles and motorcycles on the public highways; making it an offense to operate on any public highway or street in this State a motor vehicle or motorcycle not equipped with a muffler or equipped with a muffler cutout; defining the term "muffler"; defining the term "muffler cutout"; prescribing penalties for violation of the Act; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Moore of Cooke:

S. B. No. 223, A bill to be entitled "An Act repealing Chapter 14, of the Laws of the State of Texas passed by the Thirty-sixth Legislature at its Third Called Session, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Witt:

S. B. No. 224, A bill to be entitled "An Act to amend Article 3883 of Chapter 40 of the General Laws of the State of Texas passed by the Thirty-sixth Legislature at its Third Called Session, regulating the fees allowed county officers in certain counties in this State, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Witt:

S. B. No. 225, A bill to be entitled "An Act to amend Article 2909bb, Chapter 20, Title 48, of the Revised Civil Statutes of the State of Texas, as amended by Chapter 44, Section 5, printed Acts of the First Called Session of the Thirty-fifth Legislature, 1917, providing for a uniform system of textbooks; repealing all laws and parts of laws in conflict, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Reid:

S. B. No. 226, A bill to be entitled "An Act to amend Article 1120, of Title 15, Chapter 70, of the Penal Code of the State of Texas (being Article 1120 of that division known as the Code of Criminal Procedure of 1911), so as to increase the salaries of district attorneys in all judicial districts of this State, composed of two or more counties; to provide for the appointment of an assistant district attorney in certain cases; providing for the manner of payment of salaries and disposition of fees, commissions, perquisites of the office of district attorney; providing for repeal of conflicting statutes, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Wood:

S. B. No. 227, A bill to be entitled "An Act to amend Chapter 55, Special Laws of the Thirty-second Legislature, Regular Session, being entitled 'An Act creating the Briggs

Independent School District in Burnet County, Texas; defining its metes and bounds; providing for a board of trustees therefor; vesting it with the rights and duties of districts incorporated for school purposes only under the General Laws, and declaring an emergency,' by amending Section 4 of the said Act so that the same shall hereafter read as herein set out, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Davis:

S. B. No. 228, A bill to be entitled "An Act authorizing any city, town or village incorporated under the General Laws of the State of Texas, and having a population of not more than 2,500 inhabitants, according to the United States census of 1920, to disannex a portion of territory located within the limits of any such city, town or village, upon receipt of a petition requesting such disannexation signed by two-thirds or more of the qualified voters located within such territory, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Floyd:

S. B. No. 229, A bill to be entitled "An Act amending Section 23, of an Act passed at the First Called Session for the Thirty-fifth Legislature of the State of Texas entitled 'An Act to create a permanent Textbook Commission for the State of Texas, to be styled 'The Texas State Textbook Commission,' defining its membership and appointment,' etc., being Senate Bill No. 16, Chapter 44, of said Acts of the First Called Session of the Thirty-fifth Legislature, and to authorize the State Textbook Commission to renew and extend contracts for free textbooks in use in the public free schools on December 1, 1924; and to authorize and give permission to any person, firm or corporation which may hold purported contracts entered into subsequent to December 1, 1924, to sue the State to recover any net damage or loss growing out of the passage of this Act; and to authorize and instruct the State to plead all defenses, both in law and equity, to the validity of said contracts; and to repeal all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Miller:

S. B. No. 230, A bill to be entitled "An Act making an appropriation for the purchase of certain lands for the College of Industrial Arts at Denton, Texas, and declaring an emergency."

Read first time and referred to Committee on Finance.

S. C. R. No. 16.

Senator Witt called up from the table, S. C. R. No. 16, known as the State Park resolution (see Journal of yesterday for the resolution in full.)

The resolution was adopted.

Simple Resolution No. 24.

By Senator Davis:

Be it Resolved, That Judge Chas. A. Pippin be and he is hereby invited to address the Senate at this time, and be accorded the privileges of the floor.

The resolution was read and adopted.

The Chair appointed Senators Davis, Bowers and Lewis to escort Judge Pippin to the President's stand, and, after being introduced by Senator Davis, addressed the Senate briefly.

Morning call concluded.

Senate Bill No. 3.

Senator Fairchild moved to reconsider the vote by which the Senate, on yesterday, ordered engrossed S. B. No. 3.

Senator Wood moved to table the motion to reconsider.

Pending putting the above motion, unanimous consent was given Senator Fairchild to have the following telegrams read into the record:

Woodville, Texas, Feb. 2, 1925
Senator I. D. Fairchild,
Austin, Texas.

Make open season February 10th to November 10th on squirrels.

J. A. MOONEY.

Newton, Texas, Feb. 2, 1925.
I. D. Fairchild,
Capitol.

Closed season should be March 1st to November 1st.

J. B. FORSE.

Senator Pollard made the point of order that the motion to reconsider was open to discussion, but the Chair overruled the point of order on account of the motion to table having been made.

The motion to table the motion to reconsider was adopted, by the following vote:

Yeas—17.

Berkeley.	Real.
Bledsoe.	Reid.
Bowers.	Russek.
Hardin of Erath.	Stuart.
Holbrook.	Ward.
Moore of Hunt.	Witt.
Murphy.	Wood.
Parnell.	Woodward.
Parr.	

Nays—13.

Bailey.	Pollard.
Davis.	Price.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Kaufman	Triplett.
Miller.	Wirtz.
Moore of Cooke.	

Absent.

Lewis.

Senate Bill No. 112.

Action here recurred on S. B. No. 112, being the special order for this hour, known as the State bank bill.

The pending amendments were withdrawn by the author, Senator Bowers.

Senator Holbrook offered the following two amendments, severally, which were adopted:

Amend S. B. No. 112, page 3, line 19, by adding after the word "approved" the words "by the banking commissioner."

BERKELEY.
HOLBROOK.

Amend the printed bill, page 3, lines 10 and 11, and 19 and 20 by striking out the word "Commissioner of Insurance and Banking" and substituting the words "Banking Commissioner of Texas."

FLOYD.
HOLBROOK.

Senator Price offered the following amendment:

Amend S. B. No. 112, Art. 490, page 3, line 13, by inserting between

the words "to" and "the" the word "twice."

On motion of Senator Holbrook the amendment was tabled.

Senator Witt offered the following amendment:

Amend S. B. No. 112 by adding after the word "chapter" in line 32 on page 3 of the printed bill, the following language: "Provided that there shall be placed in all advertising of the bank operating under a bond or other indemnity as hereinabove provided and on all stationery of said bank a statement of the amount of the bond or other indemnity which said bank carries to protect its depositors."

The amendment was read and adopted.

The bill, having been read second time, was passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 112 put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Davis.	Russek.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Holbrook.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.
Parr.	

Nays—1.

Hardin of Kaufman

Absent—Excused.

Lewis.

S. B. No. 112 was read third time and passed finally, by the following vote.

Yeas—27.

Bailey.	Hardin of Erath.
Berkeley.	Holbrook.
Bledsoe.	Miller.
Bowers.	Moore of Cooke.
Davis.	Murphy.
Fairchild.	Parnell.
Floyd.	Parr.

Pollard.
Price.
Real.
Reid.
Russek.
Smith.
Strong.

Stuart.
Triplett.
Ward.
Wirtz.
Wood.
Woodward.

Nays—1.

Hardin of Kaufman

Absent.

Moore of Hunt. Witt.

Absent—Excused.

Lewis.

Excused.

On motion of Senator Murphy, Senator Lewis was excused for today on account of illness.

Senate Bill No. 137.

The Chair laid before the Senate, as pending business from yesterday, S. B. No. 137 (see Journal of yesterday.)

Senator Pollard offered the following amendment:

Amend S. B. No. 137, page 2, line 7, after word "due" and before word "or" by adding the following: "or when taxes are due on the property of said ward."

The amendment was read and adopted.

Senator Wood offered the following amendment, which was read and adopted:

Amend S. B. No. 137, page 2, line 14, by striking out all of line 14 after the semicolon and by striking out all of line 15 to 21, inclusive.

Senator Strong offered the following amendment, which was read and adopted:

Amend Senate Bill No. 137 by striking out all of the word "deficiency," line 29, page 1, down to and including the word "value," line 32, page 1.

The bill was then ordered engrossed.

Senate Bill No. 3.

The Chair laid before the Senate, on third reading,

S. B. No. 3, A bill to be entitled "An Act declaring all wild animals, wild birds and wild fowls to be the property of the people of this State; to preserve, propagate, distribute and protect the wild game animals, wild game birds and fowls, and wild birds

of this State; defining offenses, and prescribing penalties for the violations thereof; providing for the issuance of hunting licenses; providing for the appointment of deputy game, fish and oyster commissioners; prescribing their duties and compensations; making provisions for the creation of a special game fund, and appropriating the same for the purpose of carrying out the provisions of this Act; repealing certain laws, and all laws, general and special, in conflict herewith, and declaring an emergency."

Senator Pollard, after discussion, moved that the bill be made a special order of Friday morning following the conclusion of the morning call.

Senator Wood moved to table the motion to postpone, which motion to table was adopted, by the following vote:

Yeas—13.

Berkeley.	Reid.
Bowers.	Russek.
Moore of Hunt.	Smith.
Murphy.	Stuart.
Parnell.	Ward.
Parr.	Wood.
Real.	

Nays—9.

Hardin of Kaufman	Price.
Holbrook.	Strong.
Miller.	Triplett.
Moore of Cooke.	Wirtz.
Pollard.	

Absent.

Hardin of Erath.	Witt.
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Absent—Excused.

Lewis.

(Pairs Recorded.)

Senator Floyd (present), who would vote nay with Senator Bledsoe (absent), who would vote yea.

Senator Fairchild (present), who would vote nay with Senator Woodward (absent), who would vote yea.

Senator Davis (present), who would vote yea with Senator Bailey (absent), who would vote nay.

The bill was then finally passed, by the following vote:

Yeas—15.

Berkeley.	Murphy.
Bowers.	Parnell.
Hardin of Erath.	Parr.
Holbrook.	Price.
Moore of Hunt.	Real.

Reid.
Russek.
Stuart.

Ward.
Wood.

Nays—8.

Hardin of Kaufman	Smith.
Miller.	Strong.
Moore of Cooke.	Triplett.
Pollard.	Wirtz.

Absent.

Lewis.

Witt.

(Pairs Recorded.)

Senator Fairchild (present), who would vote nay with Senator Woodward (absent), who would vote yea.

Senator Floyd (present), who would vote nay with Senator Bledsoe (absent), who would vote yea.

Senator Davis (present), who would vote yea with Senator Bailey (absent), who would vote nay.

Excused.

Senator Bledsoe was excused for balance of the week on account of important business, on motion of Senator Wood.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 14, A bill to be entitled "An Act to define and prohibit bucket shops and dealings therein; to regulate contracts for future delivery of cotton, etc.; to declare under what conditions such contracts shall be valid; to prescribe penalties for the violation of this Act; and to repeal Articles 536 and 537 of Chapter 2, Title 11, and all of Chapter 3, Title 11, of the Revised Penal Code of the State of Texas."

H. B. No. 78, A bill to be entitled "An Act to amend Chapter 15, pages 30 and 31 of the laws passed at the Regular Session of the Thirty-seventh Legislature, 1921, by changing the time and terms of holding court in the Eighty-third Judicial District, so that Section 1 of said Act, as it relates to said Eighty-third Judicial District shall hereafter read as follows, and declaring an emergency."

H. B. No. 90, A bill to be entitled "An Act amending Article 5655 and

Article 5658, Chapter 7, Title 86, Revised Civil Statutes of Texas, 1911, regarding instruments intended to operate as liens on personal property, and providing for the filing and registration thereof, and the effect of such instruments when not filed for registration, by adding thereto a provision in reference to the filing and registration of transfers of chattel mortgages, deeds of trust and other evidences of lien upon personal property."

H. B. No. 94, A bill to be entitled "An Act to amend Article 1610, Title 18 of the Penal Code of the State of Texas, relating to the modes of punishment of convicts, fixing punishment for violations thereof, and declaring an emergency."

H. B. No. 196, A bill to be entitled "An Act to amend House Bill No. 170, Chapter 22 of the Local and Special Laws passed by the Thirty-eighth Legislature, wherein the Higgins Independent School District was created containing certain land and premises situated in Lipscomb County, Texas; providing that the trustees of the district continue in office and that the trustees be seven in number; that the maintenance tax and bonds hereafter voted are hereby validated and shall remain in full force and effect; conferring upon said district and its officers all right, power, privilege and duties now conferred and imposed by the General Laws of the State upon independent school districts, and declaring an emergency."

H. B. No. 214, A bill to be entitled "An Act creating and incorporating Center Independent School District No. 5, in Hockley County, Texas; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing said board to levy, assess and collect taxes for maintenance and building purposes and issue bonds; providing for an assessor and collector of taxes and for a board of equalization; providing that the Center Independent School District shall assume and discharge any and all valid outstanding obligations and indebtedness of Ropes Independent School District No. 1, in Hockley County, Texas; validating and continuing in force all taxes heretofore voted and now in force in said Ropes Independent School District No. 1; providing that all property now vest-

ed in Ropes Independent School District No. 1, with its metes and bounds of Center Independent School District No. 5, as herein created; providing for filling vacancies in the board of trustees; providing for a seal for said district; providing that the board of trustees of said district shall in all things be governed by the General Laws of Texas relating to independent school districts in matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any provisions of this Act shall not invalidate any remaining parts or provision, and declaring an emergency."

H. B. No. 235, A bill to be entitled "An Act creating and incorporating Clauene Independent School District in Hockley County, Texas; defining the boundaries thereof; providing for a board of trustees, their election, term of office, qualifications, powers, duties and authority; authorizing said board to levy, assess and collect taxes for maintenance and building purposes and to issue bonds; providing for an assessor and collector of taxes and for a board of equalization; providing that the Clauene Independent School District No. 6 shall assume and discharge any and all valid outstanding obligations and indebtedness of Ropes Independent School District No. 1 within the metes and bounds of the said Clauene Independent School District No. 6 in Hockley County, Texas; validating and continuing in force all taxes heretofore voted and now in force in said Ropes Independent School District No. 1; providing that title to all property now vested in Ropes Independent School District No. 1 within the boundaries of the Clauene Independent School District No. 6 shall, on the passage of this Act, vest in Clauene Independent School District as herein created; providing for filling vacancies in the board of trustees; providing for a seal for said district; providing that the board of trustees of said district shall in all things be governed by the General Laws of Texas relating to independent school districts in matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any provision of this Act

shall not invalidate any remaining portion or provision, and declaring an emergency."

Respectfully submitted, *

C. L. PHINNEY,

Chief Clerk, House of Representatives.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 3, 1925.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

S. C. R. No. 9, providing for a committee from the House and the Senate to recommend a State Song. The following committee is announced on part of the House in compliance with the resolution: Dunn of Hopkins, Merritt, McNatt, Teer, Brown.

S. C. R. No. 15, with reference to the Diary of Captain Adolphus Sterne.

The House has adopted the report of the Free Conference Committee on S. B. No. 101, being the Judiciary Appropriation Bill.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

House Bills on First Reading.

The following House Bills were laid before the Senate, read severally, read first time and referred to appropriate committees:

H. B. No. 14, referred to Committee on Criminal Jurisprudence.

H. B. No. 78, referred to Committee on Judicial Districts.

H. B. No. 90, referred to Committee on Civil Jurisprudence.

H. B. No. 94, referred to Committee on State Penitentiaries.

H. B. No. 196, referred to Committee on Educational Affairs.

H. B. No. 214, referred to Committee on Educational Affairs.

H. B. No. 235, referred to Committee on Educational Affairs.

Special Committees Appointed.

The Chair here announced the appointment of the following two Special Committees:

In accordance with S. C. R. No. 15, the Diary of Captain Sterne: Senators Davis, Hardin of Kaufman, and Fairchild

In accordance with S. C. R. No. 9, the State Song resolution: Senators Parr, Stuart and Parnell.

Simple Resolution No. 25.

By Senator Murphy:

Whereas, by an amendment to the Constitution of this State adopted November, 1912, and proclaimed December, 1912, and known as Section 30a, Article 16, the number and terms of office of the members of the Board of Regents is prescribed to be fully regulated by law; and,

Whereas, by Act of the Legislature, 1913, known as Articles Nos. 4042a, 4042b and 4042c, provision is made for the appointment of members of the Board of Regents, one-third of the members to be appointed at each Regular Session of the Legislature; and,

Whereas, on February 10, 1913, Governor Colquitt submitted the names of seven regents and at a later time submitted the names of two more, and they were confirmed; and,

Whereas, considerable confusion exists as to the date of the terms of office of the members of the Board of Regents and it is the desire of the Senate to be correctly advised as to the date of the terms of office;

Resolved, That the Attorney General of Texas be, and he is hereby requested to advise the Senate of the dates when the term of each member of the Board of Regents of the University of Texas begins and expires, and the length of term of each, and whether their terms begin and expire on the same day of the month, though in different years, and whether the appointment of a regent to succeed another is for a full term of six years from the date of the appointment or for the unexpired portion of the term.

Murphy, Wirtz, Holbrook, Moore of Cooke, Russek.

The resolution was read and adopted.

H. B. No. 80 Ordered Not Printed.

Senator Pollard moved that H. B. No. 80 be not printed, for reason that a Senate Bill on same subject had been printed.

The motion was adopted.

Recess.

On motion of Senator Wood, the Senate, at 12 m., recessed until 2 o'clock today.

After Recess.

The Senate was called to order by Lieutenant Governor Miller.

Senate Bill No. 29.

The Chair laid before the Senate, on third reading,

S. B. No. 29, A bill to be entitled "An Act to permit applicants for writ of habeas corpus in criminal cases, when the relief prayed for is denied by the judge of the court to whom the application is made and who prosecutes an appeal from the order of said judge or court to the Court of Criminal Appeals to be released on bail pending the appeal in all save capital cases, the amount of bail to be fixed by the judge trying the case and the order entered upon the minutes of the court, the bail bond to be executed and approved, under the same provisions of law which govern the bail on appeal in criminal cases after verdict of conviction as provided for by the existing law, and declaring an emergency."

The bill was read third time and passed finally.

Senate Bill No. 103.

The Chair laid before the Senate, on third reading,

S. B. No. 103, A bill to be entitled "An Act to amend Article 927, Title 22, Chapter 6, Revised Civil Statutes of 1911, so as to provide that the city council or commission of any city or town shall have power to levy and collect an annual poll tax, not to exceed one dollar, of every person between the ages of twenty-one and sixty years, resident within such city or town on the first day of January of each year (Indians not taxed, and persons insane, blind, deaf or dumb, or those who have lost one hand or foot, excepted), and declaring an emergency."

The bill was read third time and passed finally.

Senate Bill No. 113.

The Chair laid before the Senate, on third reading,

S. B. No. 113, A bill to be entitled "An Act amending Section 124a of Chapter 124 of the General Laws of the Regular Session of the Twenty-ninth Legislature, page 296, so as to make it a felony to violate said section, said section being upon the sub-

ject of preventing fraud in teachers' examinations; and declaring an emergency."

The bill was read third time and passed finally.

Senate Bill No. 105.

The Chair laid before the Senate, on second reading,

S. B. No. 105, A bill to be entitled "An Act validating the charters and amendments to charters of all cities of more than five thousand inhabitants in this State, which have adopted charters or attempted to adopt or amend charters, since the enactment of Chapter 147, General Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, 1913, and validating all proceedings had by city councils or city commissions, or other governing authority, of said cities, in regard to the question of the adoption of charters or amendments thereto; and declaring on emergency."

The bill was read second time and ordered engrossed.

Senate Bill No. 114.

The Chair laid before the Senate, on third reading,

S. B. No. 114, A bill to be entitled "An Act to repeal Section 506 of Chapter 5, Title 14, Revised Statutes of 1911, and declaring an emergency."

The bill was read third time and passed finally, by the following vote:

Yeas—24.

Berkeley.	Parr.
Bowers.	Pollard.
Davis.	Price.
Floyd.	Real.
Hardin of Erath.	Reid.
Hardin of Kaufman	Russek.
Holbrook.	Strong.
Miller.	Stuart.
Moore of Hunt.	Triplett.
Moore of Cooke.	Ward.
Murphy.	Wirtz.
Parnell.	Wood.

Absent.

Bailey.	Witt.
Fairchild.	Woodward.
Smith.	

Absent—Excused.

Bledsoe.	Lewis.
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Senate Bill No. 124.

The Chair laid before the Senate, on second reading,

S. B. No. 124, A bill to be entitled "An Act to amend Section 3, Chapter 26 of the General Laws of the State of Texas passed by the Thirty-sixth Legislature, at the Regular Session thereof in 1919 entitled, 'An Act to fix the compensation of county and district courts' jurors in both civil and criminal cases, jury commissions of the district and county courts and bailiffs of the grand jury,'—the amendment being to the effect that each grand jury bailiff appointed as such bailiff by the court in counties of 150,000 population and more according to the 1920 census of the United States shall receive as compensation for his services the sum of \$5.00 for each day that he may serve as a grand jury bailiff."

The bill was read second time and ordered engrossed.

Senate Bill No. 175.

The Chair laid before the Senate, on second reading,

S. B. No. 175, A bill to be entitled "An Act to permit the issuance to, and use by Senators and members of the House of Representatives and their families, of free railroad transportation and sleeping car accommodations."

The committee report, with amendments, and that the bill be not printed, was adopted.

Senator Murphy moved to reconsider the vote by which the committee report was adopted and the motion was lost.

The bill was read second time and ordered engrossed, by the following vote:

Yeas—13.

Berkeley.	Parr.
Bowers.	Real.
Davis.	Russek.
Hardin of Erath.	Smith.
Holbrook.	Stuart.
Moore of Hunt.	Ward.
Parnell.	

Nays—10.

Hardin of Kaufman	Reid.
Moore of Cooke.	Strong.
Murphy.	Triplett.
Pollard.	Wirtz.
Price.	Wood.

Present—Not Voting.

Floyd.

Absent.

Bailey.
Fairchild.
Miller.

Witt.
Woodward.

Absent—Excused.

Bledsoe.

Lewis.

Senate Resolution No. 26.

By Senator Ward:

Whereas, There is now a vacancy existing in the position of assistant sergeant-at-arms of the Senate and a vacancy in the position of notarial clerk of the Senate, created by resignations from these positions; now, therefore, be it

Resolved, By the Senate of Texas that Bat Edwards be, and he is hereby elected to the position of assistant sergeant-at-arms of the Senate, and that Miss Marie Hudson be, and she is hereby, elected to the position of notarial clerk of the Senate, their salaries to be the same as heretofore fixed by the Senate for said positions.

Bowers, Murphy, Berkeley, Reid, Hardin of Kaufman, Parnell, Wirtz, Miller, Moore of Hunt, Stuart, Real, Hardin of Erath, Parr, Woodward, Woods, Moore of Cooke, Ward, Strong, Russek, Smith, Fairchild, Floyd, Price, Pollard, Triplett, Holbrook, Davis.

The resolution was read and adopted.

Senate Bill No. 110.

The Chair laid before the Senate, on second reading, as called from the table by Senator Bowers,

S. B. No. 110, A bill to be entitled "An Act to amend Section 8, Chapter 119, of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-second Legislature of the State of Texas, 1911, and as amended by Chapter 189 of the Regular Session of the Thirty-fifth Legislature, 1917, and as amended by Chapter 27 of the First Called Session of the Thirty-fifth Legislature, 1917, and as amended by Chapter 79 of the Fourth Called Session of the Thirty-fifth Legislature, 1918, and as amended by Chapter 111 of the Regular Session of the Thirty-sixth Legislature, 1919, and as amended by Chapter 47 of the Third Called Session of the Thirty-sixth Legislature, 1920, relating to of-

ficial shorthand reporters' compensation in certain counties and districts in this State; to provide for deputy shorthand reporters, to provide methods of preparing transcripts of evidence, and repealing all laws and parts of laws in conflict with said section of said chapter herein amended, and declaring an emergency."

Senator Holbrook offered the following amendment:

Amend Senate Bill No. 110 by striking out after "per annum" in line 8, page 2, the words "in addition to the compensation for transcript fees as provided for in this Act."

The amendment was read and lost, by the following vote:

Yeas—11.

Floyd.	Murphy.
Hardin of Erath.	Pollard.
Hardin of Kaufman.	Real.
Holbrook.	Strong.
Miller.	Witt.
Moore of Cooke.	

Nays—15.

Bailey.	Reid.
Berkeley.	Smith.
Bowers.	Stuart.
Davis.	Triplett.
Moore of Hunt.	Ward.
Parnell.	Wirtz.
Parr.	Wood.
Price.	

Present—Not Voting.

Fairchild.	Russek.
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Absent—Excused.

Bledsoe.	Woodward.
Lewis.	

Senator Berkeley offered the following amendment:

Amend Senate Bill No. 110, page 2, line 8, by substituting \$2,250.00 for the words two thousand five hundred dollars.

Senator Floyd offered the following amendment to the amendment:

Amend the amendment by striking out \$2,250.00 and inserting \$2,000.00.

Senator Bowers moved to table the amendment to the amendment, which motion to table was lost, by the following vote:

Yeas—9.

Berkeley.	Parr.
Bowers.	Stuart.
Davis.	Wirtz.
Moore of Hunt.	Wood.
Parnell.	

Nays—19.

Bailey.	Price.
Fairchild.	Real.
Floyd.	Reid.
Hardin of Erath.	Russek.
Hardin of Kaufman.	Smith.
Holbrook.	Strong.
Miller.	Triplett.
Moore of Cooke.	Ward.
Murphy.	Witt.
Pollard.	

Absent—Excused.

Bledsoe.	Woodward.
Lewis.	

The amendment to the amendment was then adopted.

The amendment, as amended, was then adopted.

Senator Witt offered the following amendment:

Amend Senate Bill No. 110 by adding after the word "act" on page 2, line 10, the following language: Provided that no reporter shall receive in salary and transcript fees more than three thousand dollars per annum.

The amendment was read and adopted, by the following vote.

Yeas—16.

Berkeley.	Moore of Cooke.
Fairchild.	Pollard.
Floyd.	Reid.
Hardin of Erath.	Russek.
Hardin of Kaufman.	Smith.
Holbrook.	Strong.
Miller.	Ward.
Moore of Hunt.	Witt.

Nays—11.

Bowers.	Real.
Davis.	Stuart.
Murphy.	Triplett.
Parnell.	Wirtz.
Parr.	Wood.
Price.	

Absent.

Bailey.

Absent—Excused.

Bledsoe.	Woodward.
Lewis.	

Senator Bowers moved that the consideration of the bill be laid on the table, subject to call.

Senator Floyd moved to table the motion, which motion to table was lost.

The motion to lay on the table subject to call was adopted.

Senate Bill No. 151.

The Chair laid before the Senate, on second reading,
S. B. No. 151.

Senator Stuart moved that the bill be laid on the table, subject to call.
The motion was adopted.

Senate Bill No. 64.

Senator Stuart called up from the table, S. B. No. 64, relating to real estate agents. (See Journal of January 30 for the former proceedings), the bill having already been read second time.

There was a pending amendment by Senator Davis. The amendment was lost by the following vote:

Yeas—10.

Davis.	Price.
Fairchild.	Smith.
Hardin of Kaufman	Strong.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.

Nays—15.

Berkeley.	Real.
Bowers.	Reid.
Floyd.	Russek.
Hardin of Erath.	Stuart.
Murphy.	Triplett.
Parnell.	Witt.
Parr.	Wood.
Pollard.	

Absent.

Bailey.	Holbrook.
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Absent—Excused.

Lewis.	Woodward.
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(Pair Recorded.)

Senator Miller (present), who would vote yea with Senator Bledsoe (absent), who would vote nay.

There was a pending amendment by Senator Berkeley, and he withdrew the amendment.

There was also another pending amendment by Senator Davis. (See Journal January 30 for the amendment).

Senator Stuart moved to table the amendment, which motion to table was adopted, by the following vote:

Yeas—14.

Berkeley.	Parr.
Moore of Hunt.	Pollard.
Murphy.	Real.
Parnell.	Reid.

Russek.
Stuart.
Triplett.

Witt.
Wood.
Woodward.

Nays—10.

Bailey.	Miller.
Davis.	Moore of Cooke.
Fairchild.	Price.
Hardin of Erath.	Ward.
Hardin of Kaufman	Wirtz.

Present—Not Voting.

Floyd.	Smith.
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Absent.

Bowers.	Strong.
Holbrook.	

Absent—Excused.

Bledsoe.	Lewis.
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Senator Murphy offered the following amendments, severally, which were read and adopted:

1. Amend S. B. No. 64, Section 18, by inserting before the word "real," in line 21, page 11, the following, "licensed and bonded."

2. Amend S. B. No. 64, Section 15, by adding in line 18, page 9, after the word "any," the following, "licensed and bonded."

3. Amend S. B. No. 64, Section 2, by adding in line 6, page 2, after the word "A," the following, "licensed and bonded."

4. Amend S. B. No. 64 by striking out in line 29, page 1, the following, "to engage in the business either directly or indirectly of a" and substituting in lieu thereof the following, "to advertise or represent himself to the public as a licensed and bonded".

5. Amend S. B. No. 64, Section 20, by inserting after the word "offense" in line 30, page 12, of the printed bill, the following, "any person who shall hold himself out, represent or advertise that he is a licensed and bonded real estate broker, agent or salesman, without first having obtained a license under the provisions of this Act, shall, upon conviction thereof be punished by a fine of not less than \$100.00 nor more than \$1,000.00, or by confinement in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment."

Amendment No. 5, above, was read and adopted, by the following vote:

Yeas—19.

Berkeley.	Reid.
Fairchild.	Russek.
Holbrook.	Smith.
Miller.	Strong.
Moore of Hunt.	Stuart.
Murphy.	Ward.
Parnell.	Witt.
Parr.	Wood.
Pollard.	Woodward.
Real.	

Nays—7.

Bowers.	Price.
Davis.	Triplett.
Hardin of Kaufman	Wirtz.
Moore of Cooke.	

Present—Not Voting.

Bailey.	Hardin of Erath.
Floyd.	

Absent—Excused.

Bledsoe.	Lewis.
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Senator Murphy offered the following amendments, which were adopted:

6. Amend S. B. No. 64 by striking out all of Section 22, page 13, of the printed bill, and by renumbering Section 23 and make the same Section 22.

7. Amend S. B. No. 64, Section 6, by striking out the figures \$4,000.00 in line 11, page 4, and inserting in lieu thereof the figures \$2,400.00.

Senator Wirtz offered the following amendment:

Amend S. B. No. 64, page 8, line 25, by striking out the figures \$1,000.00 and inserting in lieu thereof the figures \$100,000.00.

Senator Witt offered the following amendment to the amendment, which was read and adopted:

Amend the amendment to S. B. No. 64 by substituting the words and figures \$5,000.00 for the words and figures \$100,000.00.

The amendment, as amended, was adopted.

Senator Bailey moved that the further consideration of the bill and amendments be indefinitely postponed.

The motion was adopted by the following vote:

Yeas—14.

Bailey.	Hardin of Erath.
Davis.	Hardin of Kaufman
Fairchild.	Miller.

Moore of Cooke.	Strong.
Price.	Ward.
Russek.	Wirtz.
Smith.	Woodward.

Nays—14.

Berkeley.	Pollard.
Bowers.	Real.
Floyd.	Reid.
Holbrook.	Stuart.
Moore of Hunt.	Triplett.
Murphy.	Witt.
Parnell.	Wood.

Absent—Excused.

Lewis.

(Pair Recorded.)

Senator Parr (present), who would vote yea; with Senator Bledsoe (absent), who would vote nay.

The vote being a tie, 14-14, the Chair, Lieutenant Governor Miller, voted "yea," and declared the motion adopted.

Senate Bill No. 92.

The Chair laid before the Senate, on second reading,

S. B. No. 92, A bill to be entitled "An Act amending Article 3871 of the Revised Civil Statutes of 1911, as amended, so as to increase the compensation of county tax assessors; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time, and Senator Murphy offered the following amendment:

Amend S. B. No. 92, page 2, by striking out lines 3, 4 and 5 after the word "State."

The amendment was read and adopted.

The bill, having been read second time, the Senate refused to order it engrossed, by the following vote:

Yeas—8.

Moore of Hunt.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Real.	Woodward.

Nays—20.

Bailey.	Hardin of Kaufman
Berkeley.	Holbrook.
Bowers.	Miller.
Davis.	Moore of Cooke.
Fairchild.	Pollard.
Floyd.	Price.
Hardin of Erath.	Reid.

Russek.
Smith.
Strong.

Stuart.
Triplett.
Ward.

Absent.

Parnell.

Absent—Excused.

Bledsoe.

Lewis.

Simple Resolution No. 27.

By Senator Moore of Hunt:

Whereas, the manual arts department of the East Texas State Teachers' College at Commerce has presented to the State Senate a beautiful and substantially constructed solid mahogany table that has been placed permanently in the office of the Secretary of the Senate; and,

Whereas, the table represents fairly the character of work being done by the pupils of the manual arts department under the able supervision and instruction of Professor J. G. Grove, head of said department; and,

Whereas, the table comes as a gift from the East Texas State Teachers' College upon the suggestion of Mr. H. H. Harrington and Mr. W. T. Gaston of the board of control, following a visit to said college on an inspection tour of the various State schools; therefore, be it

Resolved, That the Senate express thanks to Professor J. G. Grove and pupils of the manual arts department of the East Texas State Teachers' College for this very expensive and beautiful gift, and that Professor Grove be congratulated on the splendid achievement of his department; and,

Be it further Resolved, That a copy of this resolution be enrolled and that the Secretary of the Senate be instructed to mail same to Professor J. G. Grove at Commerce, Texas.

The resolution was read and adopted.

Senate Bill No. 115.

The Chair laid before the Senate, on second reading,

S. B. No. 115, A bill to be entitled "An Act to amend Title 8, Chapter 7 of the Code of Criminal Procedure of the State of Texas of 1911, by adding thereto Article 787a, providing that no evidence obtained by any officer or person by the violation of any provision of the Constitution of

the State of Texas, shall be admitted in evidence against the accused on the trial of any criminal case; and declaring an emergency."

Senator Bailey offered the following amendment, which was read and adopted:

Amend S. B. No. 115 and caption thereof by adding after the words "Constitution or laws of the State of Texas," wherever they occur in the bill and caption thereof, the words, "or of the United States of America."

The bill, having been read second time, was passed to engrossment.

On motion of Senator Murphy, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 115 put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Pollard.
Berkeley.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart
Holbrook.	Triplett.
Miller.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.
Parr.	

Absent—Excused.

Bledsoe. Lewis.

The bill was read third time and passed finally.

Senate Bill No. 119.

The Chair laid before the Senate, on second reading,

S. B. No. 119, A bill to be entitled "An Act to amend Article 3681, Chapter 3, Title 53, of the Revised Civil Statutes of Texas, 1911, relating to the taking of depositions, and declaring an emergency."

The bill was read second time and ordered engrossed.

Senate Bill No. 117.

The Chair laid before the Senate, on third reading,

S. B. No. 117, A bill to be entitled "An Act to amend Article 1689 of the Revised Civil Statutes of the State of Texas providing that the bond of the district clerk shall be

made in such a sum as the commissioners' court may direct, not to exceed twenty-five thousand (\$25,000.00) dollars, and providing for the paying for said bond by the commissioners' court out of the general funds of the county."

The bill was read third time and passed finally.

Senate Bill No. 129.

The Chair laid before the Senate, on second reading,

S. B. No. 129, Known as the Kerrville Hospital bill. On account of the House having passed a like bill, this bill was laid on the table subject to call.

Laid on Table Subject to Call.

On motion of Senator Woodward S. B. Nos 154, 161 and 152, were laid on the table subject to call.

Senate Bill No. 38.

The Chair laid before the Senate, on second reading,

S. B. No. 38, A bill to be entitled "An Act amending Article 695a of the Penal Code of the State of Texas, relating to the pollution of water courses and other bodies of water, declaring an emergency."

The bill was read second time and ordered engrossed.

Senate Bill No. 143.

The Chair laid before the Senate, on second reading,

S. B. No. 143, A bill to be entitled "An Act to amend Article 2771 R. S. 1911 as amended by Thirty-fifth Legislature, Chapter 160, reducing the amount of bond required of depositories of independent districts."

The bill was read second time and ordered engrossed.

Senate Bill No. 153.

The Chair laid before the Senate, on second reading,

S. B. No. 153, A bill to be entitled "An Act defining negligent assault and negligence; making it an offense to negligently injure the person or property of another, affixing a punishment therefor, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill No. 135.

On motion of Senator Berkeley S. B. No. 135, was laid on the table, subject to call.

Senate Bill No. 168.

The Chair laid before the Senate, on second reading,

S. B. No. 168, A bill to be entitled "An Act to repeal Chapter 134 of the Local and Special Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, being an Act to create a more efficient road law for Walker County, Texas, etc., as amended by Chapter 6 of the Special Laws of the First Called Session of the Thirty-fourth Legislature of the State of Texas, and as further amended by Chapter 32 of the Special Laws of the Third Called Session of the Thirty-sixth Legislature of the State of Texas, to place Walker County under the operation of the General Road Laws of the State of Texas, and providing that nothing in this Act shall affect in any wise road bonds heretofore issued by said Walker County or any subdivision thereof, or impair any existing contract executed or entered into by the commissioners' court of said Walker County pursuant to the special road law hereby repealed, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

Senate Bill No. 162.

The Chair laid before the Senate, on second reading,

S. B. No. 162, A bill to be entitled "An Act to create the Hobbs Independent School District in Fisher County, Texas, including therein the present Hobbs Common Consolidated District No. 18 in Fisher County; providing a board of trustees therefor, vesting said independent school district board of trustees with all the rights, powers, privileges and duties of independent districts incorporated under the General Laws of Texas; validating bonds, indebtedness, contracts, and tax levies of said District No. 18, and making the same valid obligations and contracts of the said Hobbs Independent District; and providing for a board of trustees to serve until the time for the next election of school trustees as provided by General Law, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

Senate Bill No. 167.

The Chair laid before the Senate, on second reading,

S. B. No. 167, A bill to be entitled "An Act creating the Matagorda Independent School District in Matagorda County, Texas."

The committee report was adopted.

The bill was read second time, and

Senator Holbrook offered the following amendment, which was read and adopted:

Amend S. B. No. 167 by striking out all of Section 3 and add in lieu thereof the following:

Sec. 3. Said Matagorda Independent School District shall be and the same is, hereby divided into two wards by a line beginning on the shore of Matagorda Bay, in the center of Little Boggy Creek, and running from thence up said creek with its meanders to the north boundary line of said district. All that portion of the district lying west of said line or creek shall be known as Ward No. 1 or Matagorda Ward, and all that portion of said district lying east of said creek or line shall be known as Ward No. 2 or Gulf Ward.

The bill was then passed to engrossment.

Senate Bill No. 163.

The Chair laid before the Senate, on second reading,

S. B. No. 163, A bill to be entitled "An Act to create the Blackwell Independent School District in Nolan County, Texas, including therein the present Blackwell Common School District No. 23 in Nolan County; providing a board of trustees therefor, vesting said independent school district board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; validating for Blackwell Independent District current indebtedness and taxes of the said Common School District No. 23; and providing for a board of trustees to serve until the time for the next election of school trustees as provided by General Law, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

Senate Bill No. 179.

The Chair laid before the Senate, on second reading,

S. B. No. 179, A bill to be entitled "An Act to create the White Pond Common County Line School District in Fisher and Jones Counties, Texas, including therein the present White Pond Common County School District No. 5 in Fisher and Jones Counties; providing a board of trustees therefor, vesting said county line school district board of trustees with all the rights, powers, privileges and duties conferred upon common county line school districts incorporated under the General Laws of Texas; and providing for a board of trustees to serve until the time for the next election of school trustees as provided by General Law; conferring upon Fisher County jurisdiction over the said district; providing for the validation of all contracts, bonds or other indebtedness and tax levies of the present Common County Line District No. 5, as subsisting obligations and acts of the White Pond Common County Line districts, as created by this Act, and declaring an emergency."

The committee report was adopted.

The bill was read second time and ordered engrossed.

House Bill No. 80.

The Chair laid before the Senate, S. B. No. 116, and

H. B. No. 80 being on the calendar and of the same subject matter, the Chair laid before the Senate, in lieu of S. B. No. 116,

H. B. No. 80, A bill to be entitled "An Act to amend paragraph No. 4 of Article 1422, Title 17, Chapter 18, of the Penal Code of Texas, 1911, relating to swindling, making certain facts prima facie evidence, and declaring an emergency."

The bill was read second time, and Senator Pollard offered the following amendment:

Amend H. B. No. 80, by striking out all below enacting clause and insert the following:

That Article 1422, Title 17, Chapter 18, Penal Code of Texas, 1911, as amended by the Acts of the Thirty-

third Legislature of Texas, relating to swindling, be amended so as hereafter to read as follows:

Article 1422. Within the meaning of the term "swindling" are included the following wrongful acts:

1. The exchange of property upon the false pretense that the party is the owner or has the right to dispose of the property given in exchange.

2. The purchase of property upon the faith and credit of some other person upon the false pretense that such other has given the accused the right to use his name in making the acquisition.

3. The obtaining by false pretense the possession of any instrument of writing, certificate, field notes or other paper relating to lands, the property of another, with the intent that thereby the property owner shall be defeated of a valuable right in such lands.

4. The obtaining by any person of any money or other thing of value with intent to defraud by the giving or drawing of any check, draft or order upon any bank, person, firm or corporation, with which or with whom such person giving or drawing said check, draft or order has or at the time of the giving or drawing said check, draft or order, or at the time when in the ordinary course of business such check, draft or order would be presented to the drawee for payment, sufficient funds to pay same, and no good reason to believe that such check, draft or order will be paid; provided, that if said check, draft or order is not paid on presentation of the return of same shall be prima facie evidence of the fraudulent intent of said person drawing or giving said check; and, provided further, that if such check, draft or order is not paid within ten days after the same is returned unpaid, it shall be prima facie evidence that no good reason existed for believing that said check, draft or order would be paid, and it shall also be prima facie evidence of intent to defraud and knowledge of insufficient funds with the drawee.

5. The special enumeration of cases of swindling above set forth shall not be understood to exclude any case which by fair construction of language comes within the meaning of the preceding article.

6. That the fact that there is

no law now protecting individuals, banks, firm or corporation of this State from being swindled by the giving or drawing of any checks where there are no funds to pay same creates an emergency and an imperative public necessity which demands that the constitutional rule requiring all bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage.

Pending.

Adjournment.

On motion of Senator Wood, the Senate, at 4:30 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Committee Reports.

Committee Room.

Austin, Texas, Feb. 3, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 74, A bill to be entitled "An Act to provide for the construction and maintenance of a State Highway System under the direct control of the State Highway Department and with appropriations out of the State Highway Fund; authorizing the commissioners' court of any county to grant aid for the improvement by the State Highway Department of any section or sections of said highway system located in said county; regulating the manner of paying such aid; regulating the making of contracts by the State Highway Department for the improvement of said highway system; authorizing the condemnation of materials to be used in the improvement of a State highway and of land for rights-of-way; declaring the invalidity of any provision of this Act shall not affect the validity of any other provision; repealing all laws and parts of laws in direct conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 2, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 41, A bill to be entitled "An Act to provide for the creation of a commission on uniform State laws, the appointment of commissioners thereto, and the payment of the expenses of such commissioners and contribution to the support of the National Conference of Commissioners on uniform State laws, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following committee amendment:

Amend S. B. No. 41 by striking out all of Section 5, and amend the caption of the bill by striking out the words "and the payment of the expenses of such commissioners."

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 2, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 208, A bill to be entitled "An Act to amend Article 4703 of Chapter 1, Title 70, and Article 5686, Chapter 2, Title 87, of the Revised Statutes of Texas of 1911, relating to survival of causes of action for personal injuries and injuries resulting in death, and providing for the survival of causes of action for injuries resulting in death where the tortfeasor dies before suit is instituted, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 2, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 210, A bill to be entitled "An Act to provide that all bonds of the State or any county or subdivision thereof, or any city or municipality or district within the State shall be payable at one specific place of payment designated in the bond order or ordi-

nance and providing funds belonging to the State of Texas, shall be payable at the office of the State Treasurer of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 2, 1925.
Hon. Barry Miller, President of the Senate

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 180, A bill to be entitled "An Act providing that any foreign corporation not having a permit to do business in Texas, and lawfully owning stock of a corporation organized under the laws of Texas, may vote said stock and participate in the management and control of such corporation as other stockholders, subject to all laws, rules and regulations governing Texas corporations; and limiting the number of domestic corporations in which such rights may be exercised by such foreign corporations, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 2, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 125, A bill to be entitled "An Act amending Article 5122 of the Revised Civil Statutes of 1911, relating to the appointment of jury commissioners by district courts, and prescribing their qualifications, so as to provide for the appointment by said courts of not less than three nor more than five such commissioners, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 2, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 131, A bill to be entitled "An Act to amend Articles 157, 161 and 163 of the Revised Statutes of the State of Texas of 1911, relating to the commitment and confinement of insane persons, the manner thereof; the furnishing of a transcript of the proceedings relating thereto; repealing all laws in conflict herewith; declaring an emergency and fixing a time for this Act to take effect."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 136, A bill to be entitled "An Act to amend Article 2643, Revised Civil Statutes of Texas, 1911, and as amended by Chapter 37 of the Acts of the Regular Session of the Thirty-eighth Legislature, 1923, setting aside the interest and income from the University permanent fund and lands for the purpose of constructing permanent improvements on the campus of the University, or at its branches, declaring void any contract for the expenditure of said fund for any other purpose by repealing the following provision of said Article: 'Provided that no lease of said land shall be made for a period of more than four years during the fifteen-year period,' and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 20, A bill to be entitled "An Act to amend Article 2078 of the Revised Civil Statutes of 1911 to provide for appeals and writs of error from orders granting motion for new trials, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 3, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Constitutional Amendments to whom was referred

S. J. R. No. 6, A joint resolution "Proposing an amendment to Article 3 of the Constitution of the State of Texas providing for a State tax to be levied and collected to pay pensions to persons who have served as much as thirty years as teacher or instructor in the public schools or educational institutions in this State operated under governmental authority and providing for the publication and submission of said amendment to the qualified voters of this State."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 3, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 6, A joint resolution "Proposing an amendment to Article 3 of the Constitution of the State of Texas providing for a State tax to be levied and collected to pay pensions to persons who have served as much as thirty years as teacher or instructor in the public schools or educational institutions in this State operated under governmental authority and providing for the publication and submission of said amendment to the qualified voters of this State."

Have had the same under consideration, and beg leave to differ with the majority and recommend to the Senate that it do not pass.

WIRTZ.

HARDIN of Kaufman.

Committee Room,
Austin, Texas, Feb. 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 2, A joint resolution "Proposing an amendment to the Constitution of the State of Texas increasing the compensation of the Governor, Secretary of State, Attorney General, Comptroller, and the Commissioner of the General Land Office."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments to whom was referred

S. J. R. No. 3, A joint resolution "Proposing an amendment to the Constitution of the State of Texas relating to mileage and per diem of members of the Legislature."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 5, A joint resolution "Amending a Section of the Constitution of the State of Texas, as follows Section 3 of Article 7, relating to taxation for free public school purposes and the distribution thereof, and providing free textbooks for certain scholastics."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 205, A bill to be entitled "An Act to amend Chapter 109, being House Bill No. 564 passed at the Regular Session of the Thirty-eighth Legislature of the State of Texas and entitled 'An Act amending Sections 6 and 6a of Chapter 8, being House Bill No. 45 passed at the First Called Session of the Thirty-seventh Legislature of the State of Texas, and entitled 'An Act to amend Chapter 46 of the General Laws of the State of Texas passed at the Regular Session of the Thirty-fifth Legislature, being an Act to reorganize the Twenty-eighth Judicial District of the State of Texas, etc.', and providing for the changing and fixing the time of holding the courts in the Twenty-eighth Judicial District of Texas, and validating and continuing all processes and writs, bonds, recognizances and jurors heretofore selected, etc., returnable to the terms of court as they now exist, and continuing in session any court in said district now in session until adjourned by the judge thereof, and declaring an emergency'; and also to amend Chapter 8, being House Bill No. 45 passed at the First Called Session of the Thirty-seventh Legislature of the State of Texas, entitled 'An Act to amend Chapter 46 of the General Laws of the State of Texas passed at the Regular Session of the Thirty-fifth Legislature, being an Act to reorganize the Twenty-eighth Judicial District of the State of Texas, and to create a Criminal District Court for the counties of Nueces, Kleberg, Kenedy, Willacy and Cameron and to prescribe the jurisdiction thereof as a criminal court; and also conferring upon said court the power to try and determine divorce causes, and causes for the collection of delinquent taxes, to fix the time for holding the terms thereof; to provide for the appointment and election of the judge thereof; to provide for the sheriff, clerk and attorney thereof, and their election; to limit and conform thereto the jurisdiction of the court of the Twenty-eighth Judicial District of the State of

Texas; to conform and validate all writs, processes, bonds, recognizances and drawings of petit and grand juries of such courts of the changes made herein; and to define the jurisdiction of the district court of the Twenty-eighth Judicial District of Texas; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency; to prescribe the time and fix the terms of holding the district courts in the counties composing the Twenty-eighth Judicial District of Texas and to prescribe the time and fix the terms of holding the criminal district courts in the counties of Nueces, Kleberg, Kenedy, Willacy and Cameron; constituting Nueces, Kleberg and Kenedy Counties the Twenty-eighth Judicial District of Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room,

Austin, Texas, Feb. 3, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 139, A bill to be entitled "An Act providing for the development and improvement of navigation of the inland and coastal waters of this State pursuant to Section 59 of Article 16 of the State Constitution; providing for the preservation and conservation of inland and coastal waters of this State under said constitutional provisions; providing for navigation districts; providing for the raising of the necessary funds, the issuance of bonds, and the levying and collection of necessary taxes for such purpose; providing all things necessary and incident to such purpose and subject to, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and there being a Senate Bill No. 85, identical with the above bill, we recommend that same be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 3, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 23, A bill to be entitled "An Act regulating the lights and lighting and operation of motor vehicles, tractors, trailers, semi-trailers, motorcycles and bicycles in this State; prescribing the lights for such vehicles between the hours of half-hour after sunset and half-hour before sunrise; enacting the necessary penal provisions as to lights for such vehicles and headlight devices and headlight equipment for such vehicle providing for tests and approval of headlighting devices and equipment; prescribing penalties for the violation of the provisions for this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 3, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 126, A bill to be entitled "An Act to amend Chapter 1, Title 29, of the Revised Civil Statutes of the State of Texas of 1911 as amended by Chapter 80, General Laws, Regular Session, Thirty-eighth Legislature, relating to auditing of the books, records and accounts of district, county and precinct officers, agents and employes and institutions maintained by the county, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 3, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 194, A bill to be entitled "An Act providing for the regulation of Pullman and sleeping car service and fixing a penalty."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb. 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 191, A bill to be entitled "An Act amending Chapter 46 of the General Laws of the Second Called Session of the Thirty-eighth Legislature authorizing steam or electric railway companies, street railway companies, interurban railway companies and other chartered transportation companies, sleeping car companies, or persons or association of persons operating the same, or the receivers or lessees thereof or their officers, agents, or employes to issue free transportation to ministers of religion in this State when making intrastate trips; defining ministers of religion; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb. 2, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 147, A bill to be entitled "An Act for the protection of those who have filed exemption or homestead donation claims on School Section, S. P. Ry Co., certificate sixteen sixty-eighths in Jack County, Texas, by authorizing the original pre-emptors of their assignees in good faith and for value to purchase, and the Commissioner of the General Land Office to sell to them such portions as they own in good faith and for value under said pre-emption or homestead claim, at fifty cents (\$.50) per acre, after they have filed field notes in the General Land Office, and have met such requirements as the law imposes on the owners of homestead or pre-emption claims and purchasers of school lands desiring patents therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

BOWERS, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 2, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 212, A bill to be entitled "An Act to amend Articles 1315 and 1316 of the Penal Code of the State of Texas of 1911, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following committee amendment:

Amend the bill, Section 1, by striking out all after the word "death," and inserting in lieu thereof the following: "or by confinement in the penitentiary for life or any term of years not less than twenty-five."

WARD, Chairman.

Committee Room,
Austin, Texas, Feb. 2, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 80, A bill to be entitled "An Act to amend Paragraph No. 4 of Article 1422, Title 17, Chapter 18, of the Penal Code of Texas 1911, relating to swindling, making certain facts prima facie evidence, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,
Austin, Texas, Feb. 2, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred

S. B. No. 174, A bill to be entitled "An Act making the people secure in their persons, houses, papers and possessions from all unlawful and unreasonable seizures or searches; making it unlawful in the trial of any case in any court within this State to introduce evidence obtained or testimony secured by or through an unlawful or unreasonable seizure or search made by or under the di-

rection of any peace officer, State Ranger or any other person; providing for a penalty when making an unlawful search, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,
Austin, Texas, Feb. 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 3 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, Feb. 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 29 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, Feb. 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 114 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, Feb. 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 103 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, Feb. 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 113 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, Feb. 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 124 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, Feb. 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 137 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, Feb. 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 105 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, Feb. 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 112 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,
Austin, Texas, Feb. 3, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 175 carefully examined and compared and find the same correctly engrossed.

STRONG, Chairman.

EIGHTEENTH DAY.

Senate Chamber,
Austin, Texas,
Wednesday, February 4, 1925.
The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.